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13 Attorneys for Defendant
SANDOZ INC.

14

15 **UNITED STATES DISTRICT COURT**

16 **DISTRICT OF NEVADA**

17 SPECTRUM PHARMACEUTICALS, INC.
18 AND UNIVERSITY OF STRATHCLYDE,

CASE NO. 2:12-cv-00111-GMN-NJK

19 Plaintiffs and Counterclaim
Defendants,

**JOINT MOTION REGARDING
DEADLINE TO SEEK ATTORNEY FEES
AND COSTS**

20 v.

(Second Request for Extension)

21 SANDOZ INC.,

22 Defendant and
Counterclaimant.

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1 The deadlines for Sandoz Inc. (“Sandoz”) to seek taxation of costs or petition for attorney
2 fees were previously stayed by the Court until after resolution of the appeal by Spectrum
3 Pharmaceuticals, Inc. and the University of Strathclyde (collectively, “Spectrum”). (Doc. No.
4 391.) Spectrum’s appeal has now been resolved, and Sandoz and Spectrum respectfully request
5 that the court reset these deadlines for March 31, 2016. The relief requested by this motion will
6 serve the interest of judicial efficiency and will allow the parties time to negotiate an agreement
7 on the amounts.

MEMORANDUM IN SUPPORT OF MOTION

9 On March 5, 2015, Spectrum filed an Unopposed Motion to Stay Costs and Petition for
10 Attorney Fees. (Doc. No. 390.) Spectrum’s Unopposed Motion requested that the Court either
11 (1) stay taxation of costs and any petition for attorney fees until after resolution of the appeal of
12 the Court’s judgment or (2) grant a three week extension of time for Sandoz to seek costs and
13 fees. The Court granted Spectrum’s Unopposed Motion, holding that “[t]he deadline for
14 submission of costs or petition for attorney fees shall be stayed until after resolution of the
15 appeal.” (Doc. No. 391.)

16 On October 2, 2015, a panel of the Federal Circuit affirmed this Court’s judgment.
17 Spectrum timely petitioned for rehearing *en banc*. On February 12, 2016, the Federal Circuit
18 denied Spectrum’s petition, and set its mandate to issue February 19, 2016. On February 25,
19 2016, this Court signed an order spreading the Federal Circuit’s mandate. (Doc. No. 396.) The
20 parties agree that the Court order spreading the appellate mandate effectively resolved Spectrum’s
21 appeal. Accordingly, the parties believe that the stay of the deadline for submission of costs or
22 petition for attorney fees should expire.

23 The parties have engaged in discussions directed to resolving the issues of costs and
24 attorney fees without judicial intervention. The parties are hopeful that they can resolve these
25 issues without Sandoz seeking taxation of costs or moving for attorney fees. Accordingly, the
26 parties respectfully request an extension of the 14 day period that would ordinarily apply to these
27 filings under the Federal Rules of Civil Procedure and the Local Rules, so that the parties may
28 continue discussions.

1 The parties request that the Court set a March 31, 2016, deadline for Sandoz to file a bill
2 for taxation of costs and/or file a motion claiming attorney fees.
3

4 Respectfully submitted,

5 Dated this 4th day of March, 2016.

6 Dated this 4th day of March, 2016.

7 By: /s/ Brian M. Kramer
8 David C. Doyle (admitted *pro hac vice*)
9 Eric M. Acker (admitted *pro hac vice*)
10 Brian M. Kramer (admitted *pro hac vice*)
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16 AND

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20 *Attorneys for Sandoz Inc.*

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32 AND

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37 *Attorneys for Plaintiffs*

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39 **IT IS SO ORDERED.**

40 Dated: March 7, 2016



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4 Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.
5 The document served is:

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7 COSTS (Second Request for Extension)**

8 Executed this 4th day of March, 2016, at San Diego, California.

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10 _____
11 /s/ Brian M. Kramer
12 Brian M. Kramer
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